IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10394 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAKSHABEN ARVINDKUMAR JAMERIA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR UTPAL M PANCHAL for Petitioner

MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 03/10/2000

ORAL JUDGEMENT

Rule. Mr.Akshay H.Mehta, Learned Standing Counsel for Central Government waives service of rule for respondent.

2. In this petition under Article 226 of the Constitution, the petitioner has prayed for a writ of mandamus directing the respondent to correct the petitioner's date of birth in the passport from 7.6.1962 to 7.8.1962.

3. The petitioner while applying for passport gave his date of birth as 7.6.1962 as per School Leaving Certificate and now when the petitioner received letter dated 5.9.2000 (at annexure "D" to the petition) from the Chief Immigrant Branch, Consulate General of United States for obtaining visa, there it was mentioned that the petitioner's date of birth was 7.8.1962. The petitioner therefore located the birth certificate issued by the Surat Municipal Corporation (at annexure "B" to the petition) and found that her correct birth date is 7.8.1962 and not 7.6.1962. One of the relatives of the petitioner has also stated on oath that the correct birth date of the petitioner is 7.8.1962 (copy of the affidavit at annexure "C" to the petition). The petitioner, therefore vide her representation dated 27.9.2000 (at annexure "E" to the petition) requested the authorities to correct the birth date in the passport. Since the petitioner is likely to get the visa call within a short time as per letter annexure "D" to the petition, it is necessary to correct the birth date expeditiously. Hence, the petitioner has filed this petition.

4. Having heard the learned counsel for parties and having regard to the facts and circumstances of the case, the Regional Passport Officer is directed to consider the petitioner's request for change of date of his birth in the passport in accordance with law on the basis of the material which may be placed before the Regional Passport Officer more particularly the birth certificate issued by the Surat Municipal Corporation (at Annexure "B" to the petition) and affidavit filed by the relative of the petitioner (at annexure "C" to the petition) and shall pass appropriate orders within a period of four weeks from the date of receipt of writ of this Court or a certified copy of this judgment, whichever is earlier.

In case the petitioner is required to apply for a fresh passport, the petitioner shall comply with the requisite formalities for the same.

5. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

6. Since the respondent is not responsible for the mistake in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,500/- to the respondents within two weeks from today. Direct Service is permitted.

3.10.2000 (M.S.SHAH,J)